IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 18068 of 1999

Between:

Mamidala Ramu, S/o. Krishna Swamy,

R/o.Uppada, U.Kothapalli Mandal,

East Godavari District.

..... PETITIONER

AND

1. District Collector, Kakinada, East Godavari District.

2. Revenue Divisional Officer, Kakinada

3. Sri Laxminarayana Swamy Temple,

Represented by Executive Officer, Uppada Village,

U.Kothapalli Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of writ of mandamus declaring the notification issued in R.F.G.2/8378/98, dated 1.2.1999 of the first respondent issued under Section 6 of the Land Acquisition Act as illegal, arbitrary and without jurisdiction and restraining the respondents from acquiring the land in possession of the petitioner to an extent of Acs.4.12 situated in S.No.39 of Uppada Village, U.Kothapalli Mandal, East Godavari Distric.

Counsel for the Petitioner:SMT.A.CHAYA DEVI

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

Counsel for the Respondent No.3. None appeared

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18068 OF 1999

ORDER:

The petitioner is a cultivating tenant of land admeasuring Acs.4.12 comprised in S.No.39 of Uppada Village, West Godavari District. The land belongs to Sri Malleswaraswamy Vari Temple. The land was sought to be acquired for provision of house sites. The petitioner assailed the Notification dt.1.2.1999 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) on various grounds.

The petitioner is admittedly cultivating tenant of the temple land. Therefore, the lease of the temple land under Section 82(1) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 stands cancelled and the petitioner is given limited right, if he is a landless poor person to exercise the right of pre-emption and buy the property at 75% of the market value. Even to avail such facility, the petitioner has to approach the Assistant Commissioner of Endowments under Rule 3 of A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003. The petitioner is given liberty to do so. Further, the petitioner cannot challenge the land acquisition proceedings in this Writ Petition. If he is entitled for any compensation, or share in the compensation, he may have to approach the Land Acquisition Officer (LAO). As and when the petitioner approaches the LAO under award enquiry, it shall be open to the LAO to consider

the claim of the petitioner in accordance with the decision of this Court in **Katari Satyanarayana v. District Collector, Krishna.**

With the above observations, the Writ Petition is disposed of.

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(V.V.S.RAO, J)

16.8.2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. District Collector, Kakinada, East Godavari District.

2. Revenue Divisional Officer, Kakinada

3. 2CCs to Government Pleader for Land Acquisition,

High Court buildings, Hyderabad.

4. 2CD copies